

# CHAPTER 1

## INTRODUCTION

1.1 On 14 May 2009, the Senate referred the AusCheck Amendment Bill 2009 to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 16 June 2009.

1.2 The Bill was introduced in the House of Representatives on 7 December 2008 by the Attorney-General, the Hon. Robert McClelland, and seeks to amend the *AusCheck Act 2007* ('the Act'), which currently provides for background checking of applicants for Aviation and Maritime Security Identification Cards, otherwise known as ASIC and MSIC cards.

### **Summary of key amendments**

1.3 The Bill would provide the capacity for AusCheck to conduct additional background checks, namely for numerous and broadly-defined 'national security purposes', when checks are authorised under some other legislative instrument.

1.4 The Bill would also provide broad regulation-making power to the Attorney-General, who would be authorised to table regulations for the establishment of background checking schemes for purposes relating to national security, defence, national emergency, terrorism, or any matter related to the executive power of the Commonwealth or matters incidental to the legislative powers of the Parliament.

1.5 The Bill would also provide for authorisation to collect biometric information about a person during the completion of a background check, and would amend provisions relating to an existing online identity verification system to reflect the broader scope of background checking enabled by the Bill.

### **Conduct of the inquiry**

1.6 The committee advertised the inquiry in *The Australian* newspaper on 20 May 2009, and invited submissions by 3 June 2009. Details of the inquiry, the Bill, and associated documents were placed on the committee's website. The committee also wrote to approximately 30 organisations and individuals inviting submissions.

1.7 The committee received 7 submissions which are listed at Appendix 1. Submissions were placed on the committee's website for ease of access by the public.

1.8 The committee held a public hearing in Sydney on 10 June 2009. A list of witnesses who appeared at the hearing is at Appendix 2 and copies of the Hansard transcript are available through the Internet at <http://aph.gov.au/hansard>.

### **Acknowledgement**

1.9 The committee thanks the organisations and individuals who made submissions and gave evidence at the public hearing.

**Note on references**

1.10 References in this report are to individual submissions as received by the committee, not to a bound volume. References to the committee Hansard are to the proof Hansard: page numbers may vary between the proof and the official Hansard transcript.